

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

GUADALUPE BETANCOURT, Individually,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 1:12-cv-536
	:	
YOUNKERS, INC.	:	
A Foreign Company	:	
	:	
Defendant.	:	
_____ /	:	

**AGREED STIPULATION AND MOTION TO SUBSTITUTE YOUNKERS, INC., FOR
THE BON-TON DEPARTMENT STORES, INC.**

Plaintiff Guadalupe Betancourt, Defendant Younkens, Inc., and Defendant The Bon-Ton Department Stores, Inc., submit this agreed stipulation and motion and respectfully request that the Court substitute Defendant Younkens, Inc., for Defendant The Bon-Ton Department Stores, Inc., and show the Court as follows:

1. On or about May 25, 2012, Plaintiff filed a Complaint against Younkens, Inc., asserting claims under the Americans with Disabilities Act of 1990, 42 U.S.C. § 12181 et seq. relating to a the Younkens store at Westshore Mall, located at 12331 James Street, Holland, Ottawa County, 49424.
2. On or about July 27, 2012, Defendant filed their Answer and Disclosure Statement
3. Upon representation by Defendant, Younkens, Inc., is not the proper party to the lawsuit subject to liability as there is no such entity as Younkens, Inc.

4. Defendant The Bon-Ton Department Stores, Inc., is the operator and lessee of the property in question and the party ultimately responsible for any remediation or other liability.

4. Defendant The Bon-Ton Department Stores, Inc., is the operator and lessee of the property in question.

5. Defendant's have been given notice of this Motion pursuant to F.R.C.P. 5 on all parties.

6. All parties consent to the substitution of parties.

7. This Motion is not sought for the purposes of delay, but to ensure that the correct parties are properly joined to this action.

WHEREFORE, the parties respectfully request that this Honorable Court enter an Order substituting The Bon-Ton Department Stores, Inc., for Younkers, Inc. as Defendant in this action.

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Attorneys for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via the Court's electronic filing system upon all parties of record this 30th day of July 2012.

By: /s/ Pete M. Monismith
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